

**STATE WATER RESOURCES CONTROL BOARD
RESOLUTION NO. 2004-0063**

**ADOPTION OF THE WATER QUALITY CONTROL
POLICY (POLICY) FOR DEVELOPING CALIFORNIA'S
CLEAN WATER ACT SECTION 303(d) LIST**

WHEREAS:

1. Section 303(d)(1) of the federal Clean Water Act (CWA) requires states to identify waters that do not meet applicable water quality standards with technology-based controls alone and prioritize such waters for the purposes of developing Total Maximum Daily Loads (TMDLs) [40 Code of Federal Regulations (CFR) 130.7(b)].
2. Section 13191.3(a) of the California Water Code (CWC) requires the State Water Resources Control Board (SWRCB) to prepare guidelines to be used by SWRCB and the Regional Water Quality Control Boards (RWQCBs) in listing, delisting, developing, and implementing TMDLs pursuant to section 303(d) of the federal CWA [33 United States Code (USC) section 1313(d)].
3. California Assembly Bill (AB) 982 Public Advisory Group (PAG) was established in 2000 to assist in the evaluation of SWRCB's water quality programs' structure and effectiveness as it relates to the implementation of section 303(d) of CWA [33 USC section 1313(d)] and applicable federal regulation.
4. CWC section 13191.3(b) also requires the SWRCB to consider the consensus recommendations on the guidelines adopted by PAG.
5. The 2001 Budget Act Supplemental Report required the use of a "weight of evidence" approach in developing the Policy for listing and delisting waters and to include criterion to ensure that data and information used are accurate and verifiable.
6. SWRCB, in compliance with CWC section 13147, held public hearings in Sacramento, California, on January 28, 2004 and in Torrance, California, on February 5, 2004 on the Water Quality Control Policy and carefully considered all testimony and comments received.
7. SWRCB has completed a scientific peer review by University of California scientists of the draft Functional Equivalent Document as required by section 57004 of the Health and Safety Code.
8. SWRCB has determined that the adoption of this Policy will not have a significant adverse effect on the environment.
9. The regulatory provisions of the Policy do not become effective until the regulatory provisions are approved by the Office of Administrative Law (OAL).

THEREFORE BE IT RESOLVED THAT:

The SWRCB:

1. Approves the final FED: Water Quality Control Policy for Developing California's Clean Water Act Section 303(d) List.
2. Adopts the Policy for Developing California's Clean Water Act Section 303(d) List (Attachment).
3. Authorizes the Executive Director or designee to submit the Policy to the Office of Administrative Law for approval.
4. Shall hold a public workshop after the approval of the 2004 section 303(d) list to assess implementation of the Policy.

CERTIFICATION

The undersigned, Clerk to the Board, does hereby certify that the foregoing is a full, true, and correct copy of a resolution duly and regularly adopted at a meeting of the State Water Resources Control Board held on September 30, 2004.


Debbie Irvin
Clerk to the Board